

News from Ed Markey

United States Congress

Massachusetts Seventh District

FOR IMMEDIATE RELEASE

October 20, 2004

CONTACT: Jeff Duncan

or Katie Donnelly

(202) 225-2836

Lawmakers Urge Conferees to Strike Torture Provisions in the 9/11 Bill

“These Provisions are Contrary to American Values,” says Markey

Washington, D.C.—Representative Edward J. Markey (D-MA), a senior Democratic member of the House Select Committee on Homeland Security, today released a letter signed by more than sixty other House lawmakers asking that the House and Senate Conferees strike the torture outsourcing provisions contained of the House bill as they resolve differences between the House and Senate version of the 9/11 Commission Implementation Bills, H.R. 10/S. 2845.

“The torture provisions in the House Bill make a mockery of the 9/11 Commission’s recommendations,” said Rep. Markey, adding “this proposed legislation was not recommended by the 9/11 Commission, it is inconsistent with international treaties, and it is contrary to our nation’s values.”

Under Section 3032 of the House bill, if the Secretary of Homeland Security determines that there are reasonable grounds to believe that an alien is a danger to the security of the United States, the Secretary can detain that person indefinitely behind bars at the Secretary of Homeland Security’s “unreviewable discretion.” In effect, this Section removes any recourse in the courts to dispute the incarceration. In addition, under the provision, any of these aliens who otherwise would be granted protections under U.S. immigration laws can still be deported to countries that engage in torture provided that the Secretary of State seeks “diplomatic assurances” that such an alien be protected.

Section 3033 of the House bill gives the Secretary of Homeland Security the authority to remove an alien to “any country whose government will accept the alien into that country.” The detainee does not need to be a citizen of or even reside in that country. In fact, the provision would allow a detainee to be deported to a country with which the detainee has no association but which may be willing to use torture as a method of interrogation of the suspect.

The provisions of the House bill appear to violate the U.N. Convention Against Torture, which explicitly forbids the return of detainees to countries where they are likely to face torture. President Reagan signed the Convention in 1984 and the Senate ratified the agreement in 1994. Numerous human rights, civil rights, and religious leaders, and even the White House have

spoken out against adding provisions to the 9/11 Commission implementation bill that would facilitate the transfer of foreign persons to countries that may torture them. The 9/11 Commission Final Report contained no recommendation calling for such legislation, and, on the contrary, called for the U.S. to “offer an example of moral leadership in the world, committed to treat people humanely, abide by the rule of law...”

“Torture is morally wrong and outsourcing torture is un-American. It endangers our men and women in uniform abroad because it sends a message that the torture of captured prisoners is okay,” concluded Markey.

For more information, and a copy of the full letter, please go to www.house.gov/Markey.

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